ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
D.P. MARSHALL JR., JUDGE

DIVISION III

CACR07-150

23 January 2008

JOHN RANDALL MCCAIN, APPELLANT	AN APPEAL FROM THE CRAWFORD COUNTY CIRCUIT COURT
v.	[CR 2004-621(II)]
STATE OF ARKANSAS, APPELLEE	THE HONORABLE MICHAEL MEDLOCK, CIRCUIT JUDGE

AFFIRMED

A Crawford County jury convicted John Randall McCain of raping then- twelve-year-old L.H. McCain was sentenced to ten years in prison and was ordered to complete a sex-offender rehabilitation program while in prison. We affirm his conviction.

McCain first challenges the sufficiency of the evidence to support his rape conviction.

To preserve this point for appeal, the law required McCain to move for a directed verdict at the close of the State's case and renew that motion at the close of all the evidence. Ark. R. Crim. P. 33.1(a). At trial, McCain moved for a directed verdict after the State rested and renewed his motion after he rested. But McCain did not renew his motion after the State presented its rebuttal evidence. He therefore waived his sufficiency challenge on appeal. Ark. R. Crim. P. 33.1(c); *Williams v. State*, 56 Ark. App. 156, 158, 940 S.W.2d 500, 502 (1997).

Even if we addressed the merits of his sufficiency argument, however, we would affirm. To convict McCain of rape, the State had to prove that he engaged in sexual intercourse or deviate sexual activity with another person who was less than fourteen years of age. Ark. Code Ann. § 5-14-103(a)(3)(A) (Supp. 2007). L.H. testified at trial that, when she was twelve years old, McCain asked her if she wanted to have sexual intercourse with him and she accepted. L.H. recalled that McCain helped her take off her clothes. L.H. testified that she "got on top of him and he had stuck his thing in me." McCain points out that L.H. also gave wandering and inconsistent testimony about what happened. This is true, but not dispositive. The uncorroborated testimony of a rape victim is sufficient to support a verdict. *Cox v. State*, 93 Ark. App. 419, 421, 220 S.W.3d 231, 233 (2005). The credibility of this child witness and the conflicts in her testimony were issues for the jury to judge. *Ibid*. Viewing the facts in the light most favorable to the State, substantial evidence supports the jury's verdict. *Davis v. State*, 350 Ark. 22, 30, 86 S.W.3d 872, 877–78 (2002).

McCain next argues that the circuit court abused its discretion about proposed testimony. The court refused to allow some cross-examination of Summer Jackson, L.H.'s friend with whom she was spending the weekend when the alleged rape occurred. The circuit court refused to let McCain's attorney ask Jackson if she lived in subsidized housing. McCain claims that he was thus prevented from fully questioning Jackson about her financial situation. He argues that it was important for the jury to understand Jackson's alleged financial motive for making up the rape allegations and then trying to extort money from McCain.

Jackson testified at trial that she had a gut feeling that something had happened between L.H. and McCain. Jackson therefore called McCain after he left her house to find out what had happened. McCain kept telling her to please not call the police, that nothing happened, and that he would give L.H. anything. Jackson acknowledged that the amount of $2,000.00 was mentioned by L.H. during that phone conversation, but McCain told them that he did not have that much money.

By the time the judge refused to allow this cross-examination about subsidized housing, the jury had already heard that Jackson was a single mother of two, received no help or child support from her children's fathers, worked at a convenience store, and had no vehicle. Because the jury had already heard ample evidence about Jackson's difficult financial circumstances, the circuit court's refusal to allow additional evidence about her housing subsidy was neither arbitrary nor groundless. *Butler v. State*, 367 Ark. 318, 322, __ S.W.3d __, __ (2006). The circuit court therefore did not abuse its discretion in this evidentiary ruling. *Butler*, 367 Ark. at 321, __ S.W.3d at __ (2006).

Affirmed.

ROBBINS AND GRIFFEN, JJ., agree.